

Return Date: _____

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

68 BURNS NEW HOLDINGS, INC

Case No. 24 45157-NHL

Debtor(s)

Chapter

11

NOTICE OF MOTION

PLEASE TAKE NOTICE, a hearing will be held at the U.S. Bankruptcy Court for the Eastern District of New York, 271-C Cadman Plaza East, Brooklyn, New York 11201-1800 before the Honorable JUDGE LORD, United States Bankruptcy Judge, to consider the motion for an order granting relief as follows:

TO STRIKE A FRAUDULENT PROOF OF CLAIM THAT DONE WRONGLY BY ERIC GOLDFE, WHICH ARE NOT A TRUSTEE IN THIS CASE AND BY HIS ATTORNEY RICHARD R. DUVAL. ATTACHED MY MOTION WITH THE EXPLANATION AND FULL PROOF THAT THEIR MOTION IS UNTRUE REQUEST, ALSO, TO ALLOW THE APPELLATE DIVISION AND SEPT. TO PERFECT OUR APPEAL THAT ARE IN FRONT OF THEM,

Date of hearing:

7/29/2025

Time:

3 PM

Parties may appear by phone or video conference.

*All hearings before Judge Lord are held by phone or video. Parties will receive hearing instructions after completing registration on eCourt Appearances.

Register for Hearing: All parties must register 2-3 days prior to hearing on eCourt Appearances at <https://ecf.nyeb.uscourts.gov/cgi-bin/nyebAppearances.pl>.

Responsive papers shall be filed with the bankruptcy court no later than seven (7) days prior to the hearing date set forth above.

CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF
NEW YORK
2025 JUN 20 12 41
RECEIVED

Signature:

Gh R

Print name:

GIDEON RAVIN

Address:

70-25 YELLOWSTONE BLVD
FOREST HILLS, NY 11375

Phone:

718 268 6928

Email:

GIDEON1818@HOTMAIL.COM

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

68 BURNS NEW HOLDINGS, INC

Case No. 24-45157-NHL

Debtor(s)

Chapter 11

-----X
APPLICATION IN SUPPORT OF MOTION

TO THE HON. JOSE LERO, Bankruptcy Judge

The undersigned makes this application in support of my motion for the relief stated in the

Notice of Motion. In support of this motion, I hereby allege as follows:

ATTACHED A MOTION TO STRIKE FRAUDULENT PROOF
OF CLAIM AND TO LIFT A STAY ON APPEALS THAT
ARE PENDING IN THIS CASE IN FRONT OF THE
APPELLATE DIVISION 2ND DEPT.

Wherefore, Applicant prays for an Order granting the relief requested.

Dated: 6-20-2025

Signature John R. [Signature]

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X

In re:

Case No.

Debtor(s)

Chapter

-----X

CERTIFICATE OF SERVICE

The undersigned certifies that on _____, a copy of the annexed Motion was served by depositing same, enclosed in a properly addressed postage-paid envelope, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York, upon *[below specify the name and mailing address of each party served]*:

Dated: _____

Signature

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

**In re: 68 BURNS NEW HOLDINGS, INC.
Debtor**

**Chapter 11
Case No. 24-45157-nhl
Before Hon. Judge Lord**

CLERK
BANKRUPTCY COURT
U.S. DISTRICT OF
EASTERN DISTRICT OF
NEW YORK
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**MOTION TO STRIKE FRAUDULENT PROOF OF CLAIM, REQUEST SANCTIONS,
AND LIFT STAY ON PENDING APPEAL**

COMES NOW, 68 Burns New Holdings Inc., a party in interest in the above-captioned bankruptcy proceeding respectfully submits this motion to strike a fraudulent proof of claim, requests sanctions against the filing party and counsel, and to concurrently permit the continuation of the pending appeal currently before the Appellate Division, Second Department, without seeking removal of this case from this Bankruptcy Court. This request is solely for the purpose of allowing the appellate court to proceed in parallel and does not constitute a motion to withdraw this case from this Bankruptcy Court or divest this Court of its jurisdiction. In support thereof, Movant states as follows:

I. INTRODUCTION

1. On or about **May 1, 2025**, a Proof of Claim (Form 410) was filed in this case by **Richard R. Duvall, Esq.**, purporting to act as attorney for the creditor.
2. In **Question No. 1 of Form 410**, which asks: “Who is the current creditor?”, Mr. Duvall identified the claimant as:

“Eric Goldfine, as Trustee of the Eric Goldfine Self-Employed Retirement Plan and Trust (‘SERPT’)”

3. This name differs materially from the creditor name previously used in all related litigation filings, which has been consistently identified as:

“Eric Goldfine Self-Employed Retirement Plan and Trust”

4. The entity listed in the Proof of Claim — “Eric Goldfine, as Trustee...” — was **not listed** as a creditor in the original schedules, nor has it appeared in the bankruptcy filing or in the foreclosure proceedings. See **Exhibit 3**.

II. CREDITOR NAME MUST MATCH OFFICIAL RECORDS

5. In all related legal documents, including those filed in the **Supreme Court of Dutchess County** and in the **Appellate Division, Second Department**, the creditor was consistently identified as:

"Eric Goldfine Self-Employed Retirement Plan and Trust"

See **Exhibit 1** (State Court Judgment), **Exhibit 2** (Affirmation in Opposition to Stay), and **Exhibit 4** (Appellate Brief Caption).

6. Accordingly, the attempt to file a Proof of Claim under a materially different name — without court authorization or amendment of the creditor list — is improper and misleading.

III. FRAUDULENT DECLARATION AND VIOLATION OF FORM 410

7. Form 410 includes a declaration under penalty of perjury that the information provided is true and correct. Specifically, it warns:

"A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both."

8. Despite this warning, attorney **Richard R. Duvall, Esq.** signed the form on **May 1, 2025**, submitting information that was false and inconsistent with the official record.
9. The misrepresentation of the creditor's name may be an attempt to create confusion or alter standing in the related foreclosure and appellate proceedings — matters which are currently pending before the **Appellate Division, Second Department**.

IV. REQUEST FOR SANCTIONS

10. The filing of a Proof of Claim under a fraudulent or unauthorized name is a serious abuse of process. Such conduct undermines the integrity of the bankruptcy system and should not be condoned.
11. Movant respectfully requests that the Court:
 - **Strike or deny** the Proof of Claim filed on May 1, 2025;
 - **Impose sanctions** on attorney **Richard R. Duvall, Esq.** under 18 U.S.C. §§ 152, 157 and 3571.
 - **Levy appropriate monetary penalties** on both the attorney and the creditor for knowingly submitting false or misleading information to the Court.

V. MOTION TO LIFT STAY ON APPELLATE PROCEEDING

12. Movant is a party in a related foreclosure action that is the subject of a pending appeal in the **Appellate Division, Second Department**, under the following case numbers:

- **2024-05304**
- **2024-11789**
- **2024-11784**

13. The appellate court has **paused consideration** of the appeal due to the automatic bankruptcy stay.

14. Movant respectfully requests that this Court concurrently permit the continuation of the pending appeal currently before the Appellate Division, Second Department, without seeking removal of this case from this Bankruptcy Court. This request is solely for the purpose of allowing the appellate court to proceed in parallel and does not constitute a motion to withdraw this case from this Bankruptcy Court or divest this Court of its jurisdiction. So that the issues of standing, and other matters in the foreclosure case in the Appellate Division, Second Department can be fully and fairly adjudicated while remaining in Bankruptcy Court.

VI. CONCLUSION

WHEREFORE, for the foregoing reasons, **68 Burns New Holdings Inc.** respectfully requests that this Court:

- **Strike** the Proof of Claim filed on May 1, 2025, as fraudulent and invalid;
- **Impose sanctions** and monetary penalties against attorney Richard R. Duvall and the creditor for knowingly filing a false claim;
- **Concurrently allow the continuation of a pending appellate appeal** currently before the Appellate Division, Second Department, without seeking removal of the matter from this Bankruptcy Court. This request is solely for the purpose of allowing the appellate court to proceed in parallel and does not constitute a motion to withdraw this case from this Bankruptcy Court or divest this Court of its jurisdiction.
- Grant such other and further relief as the Court deems just and proper.

Dated: June 10, 2025

Respectfully submitted,



68 Burns New Holdings Inc.